

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

DOCKET NO. D.T.E. 98-52

RESPONSE OF COMPLAINANTS TO MECO-4 (Supplemental)

MECO-4 (Supplemental): How do the Complainants determine the lowest usable attachment height above ground on a pole for their cables and equipment? What factors (such as codes, construction standards, terrain or other physical considerations) do the Complainants consider in determining the lowest usable attachment heights for the Complainants cables and equipment? How do the Complainants adjust the lowest usable attachment height of their cables for ground elevation changes between poles? How much extra clearance is added by complainants at the time of the original installation of cables to assure that code requirements will continue to be met during the life of the installation as the pole leans from the vertical position over time with the addition of new cables, settling of earth, uneven longitudinal loading due to uneven spans, etc?

SUPPLEMENTAL
RESPONSE:

Complainants respond to this four part request as follows.

(1) The lowest usable attachment height above ground is prescribed by the NESC. That height varies according to application, and is described in Table 232-1. The pole attachment agreement between Bell Atlantic, MECo and Complainants has required the cable licensee to locate strand 12" above telephone. In the overwhelming majority of cases (over 90% of the time), the pole is already contacted by Bell Atlantic lines which follow the same Code that cable licensees follow. Thus, cable operators install strand 12" above telephone, and tension the line to match the Bell Atlantic line. Most installations were installed prior to the current Code. In field practice, this usually means that Bell Atlantic is at 18' (lower for alleys, rear easements, residential driveways and for paralleling roads) and cable at 19' (lower for alleys, rear easements, residential driveways and for paralleling roads).

(2) Cable operators look to the NESC, the Bellcore Blue Book and the pole attachment agreement to determine the permitted location. If there is a substantial change in terrain between poles, the Bell Atlantic (and cable) attachment height would be located so that required clearances would be maintained throughout the span.

(3) Please refer to (2) above.

(4) Because cable operators install their lines 12" above Bell Atlantic's lines, no additional clearance is added at the time of original installation. The construction preference is to match Bell Atlantic, so that the lines will move in unison with any changes in climate or ice loading.

Date: August 11, 1998

Responsible Witness: Paul Glist

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RESPONSE OF COMPLAINANTS TO MECO-6

MECO-6 For each Complainant, please identify the total gross revenues from all services provided in Massachusetts. Please separately identify revenues from cable television services, other retail communications services (such as telephony, internet and online banking services) and wholesale services (including but not limited to dark fiber leases).

SUPPLEMENTAL

RESPONSE: Given the confidential nature of the requested information under G.L.c.166A, §8, and the competitive nature of the cable business, Complainants respectfully decline to provide the requested information, which is considered competitively sensitive. They will provide the requested information to counsel for MECo and outside consultants to MECo pursuant to a mutually acceptable non-disclosure agreement. Complainants have provided the requested information to Department Staff subject to a promise of nondisclosure to the public in accordance with G.L.c.25, §5D.

Complainants have provided the total gross revenues for their Massachusetts operations, which include franchises located outside of the MECo electric service area:

<u>Cable Operator</u>	<u>Revenues</u>	<u>Period</u>
MediaOne		1997
Greater Media		yr ended 9/30/97
Cablevision		1997
Time Warner		1997
Pegasus		
Charter		1997

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RESPONSE OF COMPLAINANTS TO MECO-8

MECO-8 For each Complainant, please provide data showing what percentage of cable television rates are attributable to (1) cable boxes , (2) remote controls, (3) lines (4) line equipment, (5) programming, (6) salaries, (7) pole attachments fees, (8) other operating expenses and (9) profits.

SUPPLEMENTAL

RESPONSE: The current formula ratemaking methodology generally used by the FCC and the Cable Television Division of the Department (Forms 1205, 1240) does not provide a cost line item for pole attachment fees paid by a cable operator to pole owners. These formulas rates implicitly recover pole attachments fees. Only when a cable operator elects to make a cost of service rate filing would its pole attachment costs be expressly included in the development of cable rates.

In order to develop an approximation of the information requested, it would be necessary to obtain for each community served by each Complainant (1) the number of attachments to JO poles, SO-MECo poles and SO-Bell Atlantic poles; (2) pole attachments fees payable for each such attachment; (3) the number of cable customers; (4) pole cost per customer; and pole cost per customer as a percentage of basic and cable programming service tier rates. This type of analysis has not been performed.

In A-R Cable Services, Inc., D.P.U./D.T.E. 97-82 (1998), the pole rentals amounted to a monthly subscriber cost which varied from \$0.03 to \$1.57/sub/mo (average \$0.45/sub/mo), depending on community. Complainants are collecting the necessary data and undertaking to complete a calculation for each operator, and will provide a response as soon as possible.

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RESPONSE OF COMPLAINANTS TO MECO-20

MECO-20 Please describe the authority of each body described in response to MECO-19
as it pertains to each of the Complainants.

SUPPLEMENTAL
RESPONSE: 1.

- G.L. c. 166, §25A gives the Department authority “to regulate the rates, terms and conditions applicable to attachments...” “as well as to “determine and enforce reasonable rates, terms and conditions of use of poles...” The Department has exercised this authority. 220 C.M.R. 45.00 et seq. A-R Cable Services, Inc., D.P.U./D.T.E. 97-82 (1998).
2. The FCC exercises authority over pole attachment rates, terms and conditions pursuant to 47 U.S.C. §224. It has adopted regulations and rendered numerous decisions regarding pole attachment rates, terms and conditions. The FCC exercises authority when a state has not certified to the FCC that the state has assumed jurisdiction over pole attachment rates, terms and conditions, as provided for under 47 U.S.C. §224.
3. Local franchising authorities in Massachusetts do not exercise authority over pole attachment rates, terms and conditions.

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RESPONSE OF COMPLAINANTS TO MECO-23

MECO-23 Please provide sag and tension information for each of the complainants' standard cable bundle configurations. This should include standard messengers and typical bundles of attached cables. At a minimum, this information should cover sags and corresponding tension information for spans of 150' and 200', with wire conditions of: (1) 120 F, (2) its maximum operating temperature and (3) 32 F with 1/2" radial ice.

SUPPLEMENTAL
RESPONSE:

Cable operators install their lines 12" above Bell Atlantic lines, and tension them in the field to match the tension of the Bell Atlantic strand. Sag and tension calculations at the specified wire conditions are not maintained because each installation is made in the field by crews who match Bell Atlantic configurations. These installations meet the mid-span clearances for the weight of the attached cable in accordance with the NESC, Bellcore Blue Book and pole attachment agreements. The standard strand used is 1/4 inch EHS. The number of cables lashed to the strand varies according to system architecture and location in the plant. For example, one would expect multiple trunk cables to come out from a headend, and fewer to be present in a residential neighborhood at the end of a tree-and-branch distribution system. We understand that under the current pole license between MECo and MediaOne, 1-5 bundled cables would not vary materially under these practices.

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